



METHODS OF ADMINISTRATION (MOA) GUIDANCE

Access to Career and Technology Education (CTE) Programs

Overview

The Texas Education Agency, a recipient of federal financial assistance, is required to comply with federal laws and regulations that prohibit discrimination on the basis of race, color, national origin, sex, age and disability. The Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Education Programs (34 C.F.R. Part 100, Appendix B) (Guidelines) requires each agency responsible for the administration of career and technical education (CTE) programs to conduct compliance reviews of subrecipients (local education agencies and charter schools) that offer CTE programs and receive federal financial assistance from the U.S. Department of Education (USDE). The purpose of the on-site review is to determine the school's compliance with the Guidelines and the following federal laws and regulations:

- Title VI of the Civil Rights Act of 1964 and its implementing regulations at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin;
- Title IX of the Education Amendments of 1972 and its implementing regulations at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex;
- Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability; and
- Title II of the Americans with Disabilities Act of 1990 and its implementing regulations at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability.

Districts are selected for review based on the agency's targeting plan. The targeting plan is approved by the USDE-OCR prior to implementation every two years. The selection criteria in the targeting plan places emphasis on the provision of equitable opportunities for students to participate in career and technology programs (CTE). Categories considered include: African-American students, Hispanic students, male students, female students, students with disabilities, and students with limited English proficiency. Each category enrolled in CTE is compared to the general population enrolled in CTE. Additionally, an additional criteria based upon the last on-site MOA review is included. Campuses visited within the last five years are not eligible for an on-site review.

On-Site Review

Texas Education Agency (agency) staff will contact the district to solidify visit dates and provide pre-visit information. The on-site review will consist of two agency staff reviewing parent surveys, district documentation, conducting district interviews, conducting student (18 years and older) interviews, reviewing student data at specified campuses, interviewing staff knowledgeable of the Career and Technology Classes (CTE), and reviewing campus facilities for accessibility for each of the protected classes.

The campus(s) is required to provide documentation to demonstrate compliance with each of the 8 indicators identified by the Department of Education, Office of Civil Rights (Administrative Requirements; Recruitment, Admissions, and Counseling; Accessibility; Comparable Facilities; Services for Students with Disabilities; Financial Assistance; Work-study, Cooperative Programs, and Job Placement; and Employment). The *MOA Indicator Reference Guide* template can be found at the Program Monitoring and Interventions website under the MOA monitoring link at <http://tea.texas.gov/pmi/CTEPARmonitoring/>. Each indicator provides legal citations, Indicators of Compliance, and Possible Documentation. Sample documentation is suggested for each indicator and sub-indicator, but the district has the option to provide alternate documentation to demonstrate compliance with the legal reference for each indicator. Campus personnel will be asked to discuss student data

Revised July 2016

related the accessibility of CTE programs for each of the protected student classes. Additionally, the district is expected to complete a Requested Document form and provide electronic versions in pdf formatting of the required documents prior to the visit.

Facility Accessibility

Facility reviews for architectural barriers occur at those campuses and facilities that house programs or activities accessed by CTE students. The facility accessibility, *MOA Indicator Reference Guide* Indicator 3, review will consist of the agency team and a district team walking the designated campus(s) and administrative offices of the district. District staff members responsible for facilities and facility maintenance are expected to be in attendance at the facility review. The review will focus on items related to student access to the facility and access to CTE program facilities. The district staff should have keys allowing access to all rooms in the building and be prepared to take photos of areas noted as being out of compliance with the standards related to the age of the building:

- 34 C.F.R. Part 104--Nondiscrimination On The Basis Of Handicap In Programs Or Activities Receiving Federal Financial Assistance; (before June 1977)
- American National Standard Specifications For Making Buildings And Facilities Accessible To, And Usable By, The Physically Handicapped; (June 4, 1977 and January 18, 1991)
- Uniform Federal Accessibility Standards; (January 18, 1991 – January 26, 1992)
- ADA Standards For Accessible Design; (1994)
- 2010 ADA Standards For Accessible Design.(2010)

The agency team will take pictures of areas of noncompliance, as well as take script notes for documentation purposes. The agency will share the script notes prior to exiting the district. The script notes and photos submitted later by the district will be utilized to document the completion of required corrective actions for facility accessibility

MOA Report

The *METHOD OF ADMINISTRATION - Access to Career and Technology Education Programs* report (MOA Report) is the basis for the review.

The Executive Summary is a summary of indicators that are determined to be in compliance or noncompliance at the time of the review. The determinations correspond with the indicators in the *MOA Report*.

Indicators 1-2, 3.B and 4-8 are stand-alone documents that provide the legal references to be reviewed. If the agency determines an area lacks sufficient documentation to validate the indicator, it is noted on the indicator sheet as “Noncompliance” and is recorded on the Executive Summary page.

Indicator 3, Accessibility, reviews building accessibility based upon the age of the building and the date of any remodeling of the building including a physical reconfiguration of the structure. The district is required to supply the date of construction and the date of remodeling prior to the visit to allow for an appropriate facility review. The facility review only includes the regulations related to the age of the building and remodel. Indicator 3 reflects the findings of the facility review and is documented on a script sheet(s) at the time of the review for each selected campus.

Letter of Findings

Following the review, the district will receive a letter of findings (LOF) summarizing the agency’s findings in the following eight major areas of review in the attached methods of administration report (*MOA Report*):

1. Administrative Requirements;

2. Recruitment, Admissions, and Counseling;
3. Accessibility;
4. Comparable Facilities;
5. Services for Students with Disabilities;
6. Financial Assistance;
7. Work-based Learning, Cooperative Programs, and Job Placement; and
8. Employment.

The district is required to respond to the findings contained in the preliminary report by executing a *Receipt of MOA Report* form, which is attached to the LOF, and returning it to the Division of Program Monitoring and Interventions within 10 days of receipt. If the district agrees with the findings of the preliminary *MOA Report*, it is considered final; however, if the district disagrees with a finding contained in the preliminary *MOA Report*, the district must request reconsideration by submitting any objections in writing within 10 school days of receipt of the original report. The request for reconsideration should be accompanied by supporting documentation to validate compliance at the time of the visit. Upon completion of the review of documentation submitted by the district, a final *MOA Report* will be issued to the district.

Voluntary Compliance Plan

Once the *MOA Report* is considered final, all voluntary compliance action(s) must be included in the district's Voluntary Compliance Plan (VCP). The VCP represents the corrective actions selected by the district to rectify noncompliance noted in the *MOA Report*. The VCP template can be found at the Program Monitoring and Interventions website under the MOA Monitoring link at <http://tea.texas.gov/pmi/CTEPARmonitoring/>. At a minimum, the VCP should: (1) address every item of noncompliance, (2) describe the action that the district will take to remedy each item, (3) provide the target completion date (month and year), and (4) include a statement of how completion of the action will be reported and verified to the Texas Education Agency. Each item should identify the individual(s) responsible for completing the action. After review, the VCP, the agency will either approve it as is, or work with you to ensure that the appropriate action(s) is taken to bring your school into compliance.

Within 45 days of the date the report becomes final, the district must submit the completed VCP with school official signature. The electronic copy of the completed VCP must be submitted through the *Intervention Stage and Activity Manager* (ISAM) within the *Texas Education Agency Secure Environment* (TEASE). Instructions regarding the use of ISAM can be found under the Resources section of the Program Monitoring and Interventions website at the following link: www.tea.state.tx.us/pmi.

Completing and Submitting the VCP

The LEA must develop a Voluntary Compliance Plan (VCP) for program access to address each indicator found to be in noncompliance during the Methods of Administration (MOA) on-site review.

Step 1 Download the VCP

Download the VCP for Access to Career and Technology Education Programs template from the Intervention Stage and Activity Manager (ISAM) application within the Texas Education Agency Secure Environment (TEASE): <https://sequin.tea.state.tx.us/apps/logon.asp>.

Step 2 District data

Complete rows 1-11 of the VCP with the required district information. In row 11, describe the manner in which the district will ensure continuing compliance with program access requirements after corrective activities are completed.

Step 3 Area(s) of Noncompliance to be addressed in the VCP

Beginning with row #13, the district will identify each area of noncompliance to be addressed in the VCP by referencing the number and the title for the specific indicator(s) determined to be out of compliance. Enter one noncompliance issue per row. Enter the area of noncompliance, evidence of compliance, list the corrective actions to address the noncompliance, identify resources needed to implement each activity, and enter timelines for implementation of corrective actions.

The district must self-monitor to determine the progress of implementation of the VCP. The district must provide the TEA with updates regarding implementation of the plan and submit documents verifying implementation of corrective actions upon request. Corrective actions may be district wide, campus-specific, or facility-specific.

The district must implement actions to correct the noncompliance in a timely fashion. It is expected that all corrective actions will be completed within 90 days of submission of the VCP. If a period of time greater than one year is required to bring an indicator or indicators into compliance, the district must clearly denote that fact in the Timelines column of the VCP template and include a justification along with an anticipated completion date for the required activity. Any required justification should be entered in the Justification for Timeline Extension in column F.

Note: *The district may not list activities that are contingent on unknown or uncertain events, such as “successfully passing a bond issue” and may not list as an activity the intention to plan for compliance; however, the district may list activities that will begin after a known event, such as “upon receipt of engineering plans in August,” or “upon publication in September.”*

Step 4 Submission of corrective activities

Documentation for corrective actions is also submitted via ISAM in TEASE. Instructions regarding the use of ISAM can be found under the Resources section of the Program Monitoring and Interventions website at the following link: www.tea.state.tx.us/pmi.

Completing The Corrective Activities

The TEA staff will dialog with the district MOA contact. As documentation is submitted, the assigned agency staff will communicate with the district either to approve or ask for clarification to the submissions.

Photographic documentation will be required to validate facility corrections. The photos will be a part of the submission of script sheets for facility accessibility provided to the district by TEA for each area in need of modification.